

## NOTES

This document is primarily an internal CAB document and should always be used in conjunction with the ASA's Advertising Codes of Practice.

The aim is to collect precedents set by Advertising Standards Complaints Broad (ASCB) decisions and the broadcasters' own terms and conditions into a single and practical document.

**WARNING** – this is not an exhaustive list and may contain errors. It is intended for reference purposes only. Please contact [advice@commercialapprovals.co.nz](mailto:advice@commercialapprovals.co.nz) for script or concept advice.

UPDATED: June 2009

ASA ADVERTISING CODES OF PRACTICE: February 2009

ISSUE	POLICY	COMMENT
Pixilation and bleeping	<p>We generally do not accept pixilation, blurring or black spots where these devices are used to cover readily identifiable but offensive visual material (e.g. genitalia)</p> <p>Similarly, bleeping of unacceptable swear words will not be approved.</p>	A commonsense rather than a blanket “no” approach.
Transmission faults effects	<p>Commercials using audio or visual effects that imply a fault or breakdown are generally rejected.</p> <ul style="list-style-type: none"> <li>- Can be viewed as denigrating to the broadcaster</li> <li>- Risk of being mistaken as a real TX fault and triggering emergency procedures</li> </ul> <p>Effects rejected have included bars and tone, channel calibration signals, screen filled with video static, completely black screen, totally mute commercial.</p>	Commercials have been occasionally accepted with a qualifying super; i.e. “simulated breakdown”.
Gambling	All gambling services (e.g. NZ Lotteries, casinos, TAB, registered raffles, etc) will get a minimum GXC rating.	Dept Internal Affairs currently consider Pokerstars.net (APPT) as a breach of the Gambling Act. Consult with broadcasters.
Swear words	<p>Currently limited to damn, bloody, bastard, bugger and ass (but not “arse”) within a humorous context. Never for shock or surprise effect.</p> <p>Commercials with swear words will always have restrictions on placement.</p>	<p>Attitudes to swearing are constantly changing.</p> <p>We consult with broadcasters and the ASA before amending the list of acceptable words.</p>

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<p>Sex products &amp; adult services</p>	<p>TV3 and TVNZ will no longer accept any advertising for massage parlours, strip clubs, escort services, adult video shops, adult chat, dating services, adult videos to mobile phones or adult products (i.e. vibrators, sex toys, etc)</p> <p>Prostitutions services or registered brothels are legally restricted for any advertising.</p> <p>Touring strip revues (e.g. Girl Power, Chippendale) and restricted adult shows (e.g. Erotica) may be approved with AO or PGR restrictions subject to content.</p>	<p>Note that this includes all online, SMS and telephone dating services.</p>
<p>Fireworks</p>	<p>Fireworks advertising is always rated RAO and is restricted to the following dates:</p> <ul style="list-style-type: none"> <li>- Between 26 October and 1 November but must state that fireworks are only on sale from 2 November</li> <li>- Between 2 November and 5pm on 5 November</li> </ul>	
<p>Firearms</p>	<p>The advertising of guns of any type, or ammunition, will not be approved.</p> <p>Glamorising guns or so called 'gun culture' is unacceptable in commercials.</p>	<p>Using guns or 'toy' guns that look real as props in commercials is a sensitive issue. Please seek advice our as early as possible.</p>
<p>Simulating a news broadcast</p>	<p>Commercials that try to pass themselves off as news broadcasts will not be approved.</p> <p>"Breaking News", "Newsflash" or similar opening sequences are acceptable providing it is clear to the viewer that they are watching a commercial.</p>	<p>A commonsense rather than a blanket "no" approach.</p>
<p>Talent within commercials</p>	<p>Advertising must be clearly distinguishable from programme content. Talent who appear in a programme as themselves should not appear in a commercial within the same programme.</p> <p>This rule is more nuanced in children's programming as many products are spins-offs from popular programmes.</p>	<p>We alert the broadcasters and let them decide on a case-by-case basis if or where to play such commercials.</p>

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Food & beverage advertising	<p>Advertisers must apply for a CF rating to advertise during children's programming.</p> <p>Unless requested all food advertising will be given a GXC rating. This means that the commercial cannot run in programming specifically created for children aged 5-13 years old.</p>	The use of giveaways is okay providing the ad does not state, or strongly imply, that the promotional item is available with non-CF compliant products.
Composite commercials	Composite commercials that are simply two or more different commercials butt-edited together will not be approved.	The applied test is that the viewer should have the impression of watching a single commercial, rather than two or more.
Personal hygiene products	All personal hygiene products will get a minimum GXC rating.	
Family planning	All family planning and advocacy commercials (e.g. pro-life, abortion services, Viagra, condoms, etc) will get a minimum PGR rating.	
0900 numbers or text message donation appeals	These services generally get a GXC rating and must include wording about getting bill payers permission.	Charity and disaster appeals can be given a G rating.
Premium TXT messaging services	<p>TXT competitions and SMS subscriptions services must comply with the TCF's Mobile Premium Messaging Services Code.</p> <p>Note that all adult content is restricted under the Sex Products &amp; Adult Services rules (see above).</p>	<p>We require that a signatory to the Code confirms that the backend mechanics meet the Code's guidelines.</p> <p>All commercials get a minimum of a GXC rating.</p>
Referencing awards	Commercials that reference awards or accolades must include reference to the awarding body and the year in which the award was presented.	
Feature films, DVD and electronic games	Movies and games are rated according to the classification they are given by the Office of Film Classification.	<p>M = minimum of GXC</p> <p>R16 = minimum of PGR</p> <p>R18 = minimum of AO</p>

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<p>Public health – transmittable diseases</p>	<p>Commercials showing people sharing the same bottle or eating utensils will generally not be approved.</p> <p>This is based on an ASCB decision that this is considered socially irresponsible and in conflict with Ministry of Health’s policy on the control of infectious diseases, e.g. meningococcal (ASCB decision 05/271)</p>	<p>A commonsense rather than a blanket “no” approach.</p>
<p>Using a 3<sup>rd</sup> party’s copyright</p>	<p>Generally it is the advertiser’s responsibility to ensure compliance with NZ copyright, trademark and intellectual property laws.</p> <p>Common infringements include the unauthorised use of Consumer NZ’s research finding or using the Olympics brand (see Name Protection below)</p>	<p>If in doubt CAB will ask for confirmation that you have permission to use third party brands.</p>
<p>Name protection</p>	<p>The Flags, Emblems, and Names Protection Act 1981 regulates the use of the New Zealand ensign and flag and other names, flags and emblems of Royal, national, international, commercial, or other significance.</p> <p>These include:</p> <ul style="list-style-type: none"> <li>- It is prohibited to use the word “Anzac” in connection with any trade or business (“Anzac Day” is okay)</li> <li>- Permission is required to use the uniforms or liveries of any of NZ’s emergency, civil or defence services, for example, Police, Fire Service or NZ Navy.</li> <li>- Olympic trademarks</li> </ul>	<p>CAB will ask for confirmation that you have permission to use civil or defence service’s property.</p>